

Docket No.: 43888-267

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277  
Tsutomu OHZUKU, et al. : Confirmation Number: 9492  
Application No.: 10/629,815 : Group Art Unit: 1745  
Filed: July 30, 2003 : Examiner: Not yet assigned  
For: POSITIVE ELECTRODE ACTIVE MATERIAL AND NON-AQUEOUS ELECTROLYTE  
SECONDARY BATTERY CONTAINING THE SAME :

**REQUEST FOR CORRECTED FILING RECEIPT**

Mail Stop OFR  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

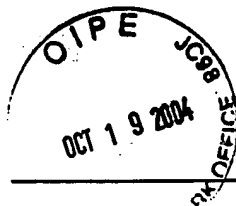
Attached is a copy of the Filing Receipt received from the U.S. Patent and Trademark Office in the above-referenced application. It is noted that the Foreign Priority data is incorrect. Attached is a copy of the Declaration and Power of Attorney, which evidences that the Foreign Priority data should read: JAPAN JP2002-227707 08/05/2002. It is requested that a corrected filing receipt be issued.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

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Date: October 19, 2004



Attorney Docket No.: \_\_\_\_\_

### COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor(s), I (we) hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

POSITIVE ELECTRODE ACTIVE MATERIAL AND NON-AQUEOUS ELECTROLYTE SECONDARY  
BATTERY CONTAINING THE SAME, the specification of which

(check one) \_\_\_\_\_ is attached hereto.  
\_\_\_\_\_ was filed on \_\_\_\_\_ as  
United States Application No. \_\_\_\_\_  
\_\_\_\_\_ PCT International Patent Application No. \_\_\_\_\_  
filed on \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			Priority Claimed	
<u>JP2002-227707</u> (Number)	<u>Japan</u> (Country)	<u>5 August, 2002</u> (Day/Month/Year Filed)	<u>X</u> Yes	____ No
____ (Number)	____ (Country)	____ (Day/Month/Year Filed)	____ Yes	____ No
____ (Number)	____ (Country)	____ (Day/Month/Year Filed)	____ Yes	____ No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

____ (Appln. Serial No.)	____ (Filing Date)	____ (Status-patented, pending, abandoned)
____ (Appln. Serial No.)	____ (Filing Date)	____ (Status-patented, pending, abandoned)

I hereby appoint as my attorneys, with full power of substitution and revocation, to prosecute the patent application identified above and to transact all business in the U.S. Patent and Trademark Office connected therewith: Edward A. Becker, Reg. No. 37,777; Stephen A. Becker, Reg. No. 26,527; Marcel K. Bingham, Reg. No. 42,327; John G. Bisbikis, Reg. No. 37,095; Daniel Bucca, Reg. No. 42,368; Kenneth L. Cage, Reg. No. 26,151; Stephen C. Carlson, Reg. No. 39,929; Tom A. Corrado, Reg. No. 42,439; Paul Devinsky, Reg. No. 28,553; Laura A. Donnelly, Reg. No. 38,435; Margaret M. Duncan, Reg. No. 30,879; Brian E. Ferguson, Reg. No. 36,801; Michael F. Fogarty, Reg. No. 36,139; Willem F. Gadiano, Reg. No. 37,136; Keith E. George, Reg. No. 34,111; John A. Hankins, Reg. No. 32,029; Brian D. Hickman, Reg. No. 35,894; Eric J. Kraus, Reg. No. 36,190; Patrick B. Law, Reg. No. 41,549; Robert E. LeBlanc, Reg. No. 17,219; Jack Q. Lever, Reg. No. 28,149; Raphael V. Lupo, Reg. No. 28,363; Christine F. Martin, Reg. No. 39,762; Michael A. Messina, Reg. No. 33,424; Eugene J. Molinelli, Reg. No. 42,901; Christopher J. Palermo, Reg. No. 42,056; Joseph H. Paquin, Jr., Reg. No. 31,647; Robert L. Price, Reg. No. 22,685; Gene Z. Robinson, Reg. No. 33,351; Joy Ann G. Serauskas, Reg. No. 27,952; David A. Spenard, Reg. No. 37,449; Arthur J. Steiner, Reg. No. 26,106; David L. Stewart, Reg. No. 37,578; Michael D. Switzer, Reg. No. 39,552; Leonid D. Thenor, Reg. No. 39,397; Keith J. Townsend, Reg. No. 40,358; Aaron Weisstuch, Reg. No. P41,557; Edward J. Wise, Reg. No. 34,523; Alexander V. Yampolsky, Reg. No. 36,324; and Robert W. Zelnick, Reg. No. 36,976 all of

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/629,815	07/30/2003	1745	750	43888-267	27	14	1

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CONFIRMATION NO. 9492

## REPLACEMENT FILING RECEIPT



\*OC000000013588946\*

Date Mailed: 08/19/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Tsutomu Ohzuku, Kitakatsuragi-gun, JAPAN;  
 Hiroshi Yoshizawa, Osaka, JAPAN;  
 Masatoshi Nagayama, Osaka, JAPAN;

## Assignment For Published Patent Application

MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.;

## Domestic Priority data as claimed by applicant

## Foreign Applications

JAPAN JP2002-227707 08/02/2002

If Required, Foreign Filing License Granted: 10/23/2003

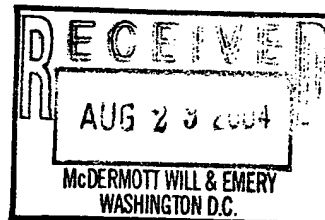
Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

## Title

Positive electrode active material and non-aqueous electrolyte secondary battery containing the same



Preliminary Class

429

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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